



PATENT

Attorney Docket No. Allen 701.502

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application	)	<u>PATENT APPLICATION</u>
	)	
Inventor(s): Drew Allen	)	
	)	Art Unit: 3732
Application No.: 09/985,719	)	
	)	Examiner: E. Robert
Filed: November 6, 2001	)	
	)	
Title <b>Compression Bone Staple,</b>	)	
<b>Apparatus And Method</b>	)	
	)	

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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TECHNOLOGY CENTER R3700

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97**

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication and U.S. and foreign patent, except for pending U.S. applications, can be found in priority application S.N.: 9/500,060, filed 02/08/00, now U.S Patent No. 6,348,054, which is a continuation-in-part of application S.N. 09/299,285, filed 04/26/99, now U.S. Patent No. 6,059,787, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

*C.F.R. 1.98(d)*

A copy of any patent, publication or other information listed in an information disclosure statement is not required to be provided if it was previously cited by or submitted to the office in a prior application, provided that the prior application is properly identified and relied upon for an earlier filing date under 35 U.S. C. 120.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):

- (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)  
-- OR --
- (2) It is being filed within 3 months of entry of a national stage  
-- OR --
- (3) It is being filed before the mail date of the first Office Action on the merits  
-- OR --
- (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:

- a certification as specified in §1.97(e) is provided below; **or**
- a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:

- A. a certification as specified in §1.97(e) is completed below; **and**
- B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; **and**
- C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

*Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$0.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No. Allen 701.502).

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Dated: 10/11/03

By:   
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